



# Town Council Agenda Report

**SUBJECT:** Ordinance

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ALLOWING FOR THE SALE OF LEGAL FIREWORKS FOR A TWO WEEK PERIOD COMMENCING TWO WEEKS PRIOR TO JANUARY 1, 2000 IN HONOR OF THE NEW MILLENNIUM; PROVIDING FOR A FEE FOR LICENSES TO SELL SAID FIREWORKS; PROVIDING FOR FEE EXEMPT LICENSES; PROVIDING FOR A BOND TO ASSURE CLEAN UP OF SALES AREA; PROVIDING FOR APPROVAL OF TOWN COUNCIL; PROVIDING FOR RESTRICTION OF LOCATION OF FIREWORKS SALES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

**REPORT IN BRIEF:**

This ordinance enables the sale of legal fireworks under certain conditions for the celebration of the new millennium.

At the Council meeting of August 18, 1999, Town Council requested that the Town Attorney draft an ordinance to permit the sale of fireworks for the celebration of the new millennium. This ordinance would allow the sale of legal fireworks for a period of two weeks prior to January 1, 2000. It further outlines terms and conditions for obtaining an occupational license to sell fireworks during this time period.

**PREVIOUS ACTION:**

The first reading of this ordinance was approved by Council on September 1, 1999.

**CONCURRENCES:**

Not applicable

**FISCAL IMPACT:**

The fee for the occupational license to sell legal fireworks is \$250 per day, except that fee exempt licenses may be issued under certain conditions. Additionally, a \$50 bond to assure clean up must be posted prior to issuance of said license.

**RECOMMENDATION(S):** Motion to approve the ordinance.

**Attachment(s):** Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ALLOWING FOR THE SALE OF LEGAL FIREWORKS FOR A TWO WEEK PERIOD COMMENCING TWO WEEKS PRIOR TO JANUARY 1, 2000 IN HONOR OF THE NEW MILLENNIUM; PROVIDING FOR A FEE FOR LICENSES TO SELL SAID FIREWORKS; PROVIDING FOR FEE EXEMPT LICENSES; PROVIDING FOR A BOND TO ASSURE CLEAN UP OF SALES AREA; PROVIDING FOR APPROVAL OF TOWN COUNCIL; PROVIDING FOR RESTRICTION OF LOCATION OF FIREWORKS SALES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Code of the Town of Davie prohibits the sale of legal fireworks except for specific designated times; and

WHEREAS, fireworks sales are not allowed for New Years celebrations; and

WHEREAS, January 1, 2000 will mark the beginning of a new millennium and is accordingly and extraordinary event; and

WHEREAS, the Town Council of the Town of Davie recognizes that in honor of the extraordinary event of the new millennium, there will be a demand for legal fireworks as part of the celebration of the event; and

WHEREAS, the Town Council wishes to allow for the sale of legal fireworks within the Town under certain limitations and conditions so as to allow for the celebration of the new millennium.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the sale of legal fireworks may be permitted for a period of two (2) weeks prior to January 1, 2000, pursuant to the provisions of this Ordinance.

SECTION 2. Any party wishing to sell legal fireworks pursuant to this Ordinance must obtain an occupational license under the following terms and conditions:

(a) The fee for the license to sell legal fireworks pursuant to this ordinance shall be \$250.00 per day, except that fee exempt licenses may be issued to the following:

(1) An exempt license without fee will be issued to customary religious, charitable or educational activities of non-profit charitable and non-profit educational institutions, or of duly constituted and recognized religious non-profit corporations, having their churches located within the Town;

(2) All non-profit civic clubs maintaining a meeting place within the Town.

(b) A \$50.00 bond to assure clean up of sales area must be posted prior to issuance of the occupational license.

(c) The legal fireworks sales pursuant to this Ordinance may be allowed upon approval of the Town Council.

(d) Legal fireworks sales pursuant to this Ordinance shall be conducted completely on private property, zoned for commercial use and shall be sponsored by an existing business. The existing business shall provide written permission for use of existing parking and toilet facilities.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4 If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.